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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,390	01/09/2004	Abaneshwar Prasad	100196	7753

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EXAMINER

MULLER, BRYAN R

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,390

Applicant(s)

PRASAD ET AL.

Examiner

Bryan R. Muller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/15/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhardt ('902) in view of Lakes (4,668,557) and Lombardo et al (2004/0248508).

3. In reference to claim 1, Reinhardt discloses a polishing pad made of polyester and polyether polyurethanes and further discloses that the pads may be formed by foaming (col. 2, lines 43-48), thus forming the polishing pad out of a polyester and polyether polyurethane foam that is inherently porous (based on the definition of foam of "Any of various light, **porous**, semirigid or spongy materials¹"). However, Reinhardt fails to disclose that the porous polymeric material has a Poisson's ration less than zero. Lakes discloses a method of making polymeric foams that have negative Poisson's ratios and teaches that the negative Poisson's ration polymeric foams can replace polymeric foams having positive Poisson's ratios in many applications to provide improved properties. Lakes further disclose that polymeric foams having negative Poisson's ratios are more advantageous than conventional foam materials in

¹ The American Heritage® Dictionary of the English Language, Fourth Edition
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applications where superior strength and abrasion resistance are desired along with a compliant foam (col. 4, line 64-col. 5, line 3). It is well known in the art that superior strength and abrasion resistance are desired properties for polishing pads and Lombardo specifically discloses that polishing pads may be made from polyesters or polyethers, as disclosed by Reinhardt, as long as they have desired properties for polishing pads, such as sufficient flexibility (compliance) and abrasion resistance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the conventional polyester and polyether polyurethane foam of the Reinhardt polishing pad with polyether polyurethane foam having a Poisson's ratio below zero, to improve strength and abrasion resistance, which are well known in the art as desired properties of polishing pads.

4. In reference to claims 2 and 3, it further would have been obvious to one of ordinary skill in the art to produce the polyether polyurethane foam having a negative Poisson's ratio using the method disclosed by Lakes and Lakes further provides a specific example of a polyester foam that was produced using the disclosed method that has a Poisson's ratio of -0.7 (col. 3, lines 38-62). Although Lakes does not disclose a specific example of a polyether polyurethane foam, it would be obvious that the polyether polyurethane foam of Reinhardt will have very similar properties to a polyester foam and once treated using the method of Lakes would have a Poisson's ratio similar to that of the treated polyester foam example of Lakes. Thus, it would have been obvious that the polyether polyurethane foam, having a Poisson's ratio of less than

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zero, would have a Poisson's ratio of about -0.7, which falls within the claimed range of about -0.8 to about -0.2.

5. In reference to claim 4, polyester, polyether and polyurethane are all materials that are well known as thermoplastic and/or thermoset polymers.

6. In reference to claims 5 and 6, Reinhardt discloses that the polishing pad is made of polyester and polyether polyurethanes, as discussed supra.

7. In reference to claim 7, Reinhardt discloses that the polymeric product will preferably have a density of greater than 0.5 g/cm^3 (col. 2, lines 60-64), which provides a range that overlaps the claimed range of 1 g/cm^3 or less, and thus provides a proper rejection of the claimed range (See MPEP §2131.03).

8. In reference to claims 16 and 17, Reinhardt further discloses that the polishing pad may comprise abrasive particles of alumina, silica, titania or ceria (col. 2, lines 49-59).

9. In reference to claims 18-20, it would be obvious to one of ordinary skill in the art at the time the invention was made to polish a work piece through the method of: providing a work piece to be polished, contacting the work piece with a chemical-mechanical polishing system comprising the polishing pad discussed supra and abrading at least a portion of the surface of the work piece with the polishing system to polish the work piece.

10. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhardt ('902) in view of Lakes (4,668,557) and Lombardo et al (2004/0248508) and further in view of Sevilla et al ('532).

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11. Reinhardt in view of Lakes and Lombardo provides a polishing pad as discussed supra but fails to disclose that the pad has a void volume of about 75% or less or that the average pore diameter in the pad is between 0.1 and 2500 μm . Sevilla discloses a polishing pad made of a porous substrate and teaches that an average pore diameter from about 5 to 100 μm (microns) will enhance pad polishing performance (abstract, lines 5-7) and that a porosity or pore volume (void volume) between about 15% and 70%, preferably between 25% and 50%, has been found to yield acceptable polishing pads possessing the necessary flexibility and durability in use (col. 5, lines 28-34). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made that the pad of Reinhardt, made of polyester and polyether polyurethane foam should possess pores with an average diameter between 5 and 100 μm to enhance pad polishing performance and a porosity between 15% and 70% to provide the polishing pad with the necessary flexibility and durability for use.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhardt ('902) in view of Lakes (4,668,557) and Lombardo et al (2004/0248508) and further in view of Suzuki et al ('353).

13. Reinhardt in view of Lakes and Lombardo provides a polishing pad as discussed supra but fails to disclose that the pores in the pad should have a pore density greater than about 10 pores/cm. Suzuki discloses a polishing method including a polishing pad and teaches that the surface roughness of the work piece is dramatically improved when finish polishing is conducted using a finish polishing pad with a pore density equal to or higher than a value (col. 3, 8-11) and further discloses a polishing pad with a pore

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density equal to or higher than 150 pores/cm^2 (approximately 12.2 pores/cm).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made that the pad of Reinhardt, made of polyester and polyether polyurethane foam should have a pore density greater than or equal to 150 pores/cm^2 in order to dramatically improved the finish of a work piece through polishing.

14. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhardt ('902) in view of Lakes (4,668,557) and Lombardo et al (2004/0248508) and further in view of Osterheld et al ('596).

15. Reinhardt in view of Lakes and Lombardo provides a polishing pad as discussed supra but fails to disclose that the surface of the polishing pad should comprise of linear grooves in the form of an XY crosshatch. Osterheld discloses a method and apparatus for chemical mechanical polishing using a patterned pad and teaches that a plurality of slurry distribution/retaining grooves are distributed with a first portion extending linearly over the surface of the pad along the x-axis and a second portion extends linearly over the surface of the pad along the y-axis defining an X-Y grid pattern (col. 5, lines 7-14) and that the grooves are adapted to inhibit slurry or other fluids from flowing off the pad during operation. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made that the pad of Reinhardt, made of polyester and polyether polyurethane foam should have linear grooves in the form of an XY crosshatch in order to distribute a slurry while preventing the slurry from flowing off the pad during operation.

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16. Claims 14, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhardt ('902) in view of Lakes (4,668,557) and Lombardo et al (2004/0248508) and further in view of Tang ('927).

17. Reinhardt in view of Lakes and Lombardo provides a polishing pad as discussed supra but fails to disclose an optically transmissive region that has a light transmission of at least 10% at one or more wavelengths between 190nm and 3500nm. Tang discloses an *in-situ* monitoring technique for end point detection during chemical mechanical polishing planarization including a polishing pad with an optically transmissive region. Tang teaches that the light source is capable of illuminating in the range of about 200 to 11,000 nm in wavelength and that when the wavelength is measured from the back side of the substrate (opposite light source) the wavelength is preferred to be 1,300 nm (col. 5, lines 6-12) which would be at least 11.8% of the light source being transmitted through the substrate. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to provide the pad of Reinhardt, made of polyester and polyether polyurethane foam, with an optically transmissive region that has a light transmission of at least 11.8% at one or more wavelengths between 200nm and 11,000nm to monitor the end point during chemical mechanical polishing. It would also be obvious to polish a work piece by provide a work piece to be polished, contacting the work piece with a chemical mechanical polishing system comprising the pad of Reinhardt, made of polyester and polyether polyurethane foam with an optically transmissive region and abrading at least a portion of the surface of the work piece with this polishing system.

Response to Arguments

18. Applicant's arguments filed 9/15/2006 have been fully considered but they are not persuasive. The applicant argues that a *prima facie* case of obviousness is not met with the combination of Reinhardt, Lakes and Lombardo et al as discussed supra. The applicant argues that the cited references provide no motivation to lead one of ordinary skill in the art to modify the pads of Reinhardt in such a way as to arrive at the applicant's claimed invention and that the cited references provide no reasonable expectation for success. In response, the Examiner maintains the rejections on the basis that the Lombardo reference clearly discloses that abrasion resistance is a desired property for polishing pads and the statement that materials must have a *sufficient* abrasion resistance clearly discloses that abrasion resistance must be above a certain level, which would teach, to one of ordinary skill in the art, that any increase in abrasion resistance of a pad will provide an advantageous result and would obviously increase the life expectancy of a polishing pad. Further, although the applicant does not address the above disclosed motivation that increased strength is also a desired property, this is well known and obvious that any increase in strength would also be a desired property and would increase the life of the pad. Additionally Lakes discloses a method of modifying a polymeric foam, which is disclosed as the material used to make the polishing pad of Reinhardt, to provide the foam with a negative Poisson's ratio and specifically teaches that the modified foam will have increased strength and abrasion resistance and that the modified foam "would be **more advantageous** than

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conventional foam materials in applications where superior strength and abrasion resistance are desired". Thus, when the Reinhardt, Lakes and Lombardo references are viewed in light of one another, motivation to lead one of ordinary skill in the art to modify the pads is clearly provided and it can also clearly be expected that the modifying the polymeric foams in the polishing pad of Reinhardt will provide the polishing pad with the increased strength and abrasion resistance that are taught as desired properties. In reference to the applicant's argument that the modified foam will provide too much abrasion resistance, and prevent conditioning of the polishing pad, the Examiner responds that not all polishing pads are conditioned and Reinhardt does disclose that Polyester, of which the pad of Reinhardt is made, typically require less pad conditioning (col. 1, lines 39-40). Thus, the applicant's assertion that the increased abrasion resistance may prevent conditioning does not provide sufficient expectations that the modified polishing pad would not be successful because it is possible that the pad may not require regular conditioning or may not need to be conditioned at all, and even if it does, there is no evidence that the modified polymer would prevent conditioning.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/15/2006



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